Government of Saskatchewan

Annual Report and Review 1987

Law Reform Commission of Saskatchewan

The Law Reform Commission of Saskatchewan was established by **An Act to Establish a Law Reform Commission**, proclaimed in November, 1973, and began functioning in February of 1974.

The Commissioners are:

Mr. Dale G. Linn, B.A., LL.B., Chairman
Madam Justice Marjorie A. Gerwing
Mr. Gordon J. Kuski, Q.C., LL.B.

Mr. Kenneth P.R. Hodges, B.A., LL.B. is Director of Research.

Mr. Michael J.W. Finley, B.A., LL.B. is Legal Research Officer. The secretaries are Mrs. Sandra Ritchie and Mrs. Pat Vogt.

The Commission offices are located at the Sturdy-Stone Centre, 122 Third Avenue North, Saskatoon, Saskatchewan, S7K 2H6.

NOTE

This publication combines and replaces the Annual Report and the Yearly Review published each year since 1980.

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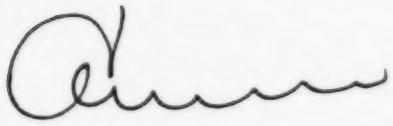
LETTERS OF TRANSMITTAL

The Honourable F.W. Johnson, Q.C.
Lieutenant Governor
Province of Saskatchewan

Sir:

I have the honour of submitting the annual report of the Law Reform Commission of Saskatchewan for the year ending December 31, 1987.

Respectfully submitted,



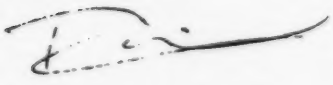
Bob Andrew
Minister of Justice
and Attorney General

The Honourable Bob Andrew
Minister of Justice
Regina, Saskatchewan

Sir:

I have the honour of submitting the annual report of the Law Reform Commission of Saskatchewan for the year ending December 31, 1987.

Respectfully submitted,



Dale G. Linn
Chairman

OBJECTIVES OF THE COMMISSION

The Law Reform Commission Act provides that:

"The commission shall take and keep under review all the law of the province, including statute law, common law and judicial decisions, with a view to its systematic development and reform, including the codification, elimination of anomalies, repeal of obsolete and unnecessary enactments, reduction in the number of separate enactments and generally the simplification and modernization of the law, and for that purpose shall:

(a) receive and consider any proposals for the reform of the law that may be made to it by the Minister of Justice;

(b) prepare and submit to the Minister of Justice from time to time programs for the examination of different branches of the law with a view to their reform and shall recommend that an agency, whether the commission or a committee thereof or other body, carry out the examination;

(c) undertake, at the request of the Minister of Justice or pursuant to recommendations of the commission approved by the Minister of Justice, the examination of particular branches of the law and the formulation, by means of draft bills or otherwise, of proposals for reform therein;

(d) enter into agreements, with the approval of the Minister of Justice, with other organizations for law reform for the purposes of attaining the aims of the commission". R.S.S. 1978, c. L-8, s. 6 as amended.

The Commission's role is to review provincial law and to assess criticisms of a significant nature from the general public concerning legislation and rules of the common law.

Topics for the Commission's research program are brought before meetings of the Commission for consideration. These topics may originate from a recommendation of the Minister of Justice, from the Commission and its staff, from the judiciary, from the legal profession, from other professional organizations, or from the public generally.

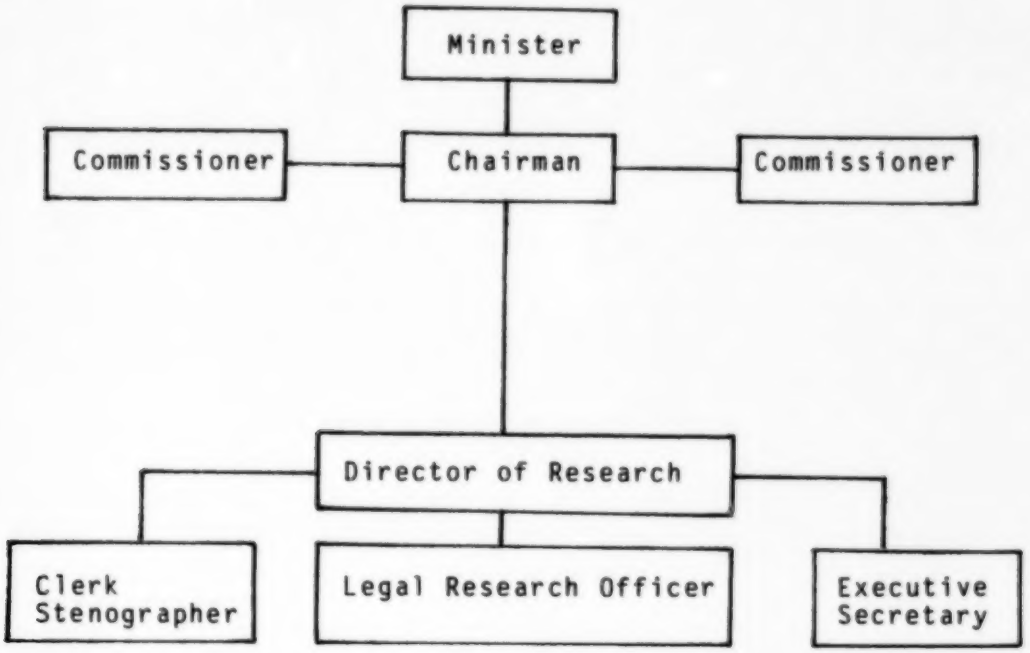
All research undertaken is supervised by the Chairman and Director of Research. Much of the research is done by the

Commission's full-time staff. Many projects, however, require substantial outside consultation and expertise.

Consequently, the Commission relies on the academic staff of the College of Law of the University of Saskatchewan and elsewhere for research personnel. Legal practitioners also act as consultants from time to time and give to the Commission a practical assessment of possible recommendations for legislative and procedural change.

Once the research study in a particular project is completed, the matter is placed before the Commission for discussion and consideration. The Commission may decide to issue background papers or tentative proposals for circulation to the public in order to obtain criticism and comment prior to the preparation of a final report. This may entail public meetings, hearings and workshops. The Commission's recommendations are embodied in a final report to the Minister of Justice. This report may contain general recommendations, specific legislation or drafting instructions suggesting the form of legislation which will best implement the recommendations of the final report.

ORGANIZATION CHART



DESCRIPTION OF THE PROGRAMS AND ACTIVITIES CARRIED OUT DURING 1987

The programs and activities carried out during 1987 to a large extent are a continuation of projects commenced earlier. Some of the projects are extensive in scope and involve research in a number of areas of law.

1. Family Law

The Commission, with the consent of the Minister of Justice, initiated a research project on family law in June of 1974.

In 1974 the Commission issued a background paper entitled "Family Maintenance Between Husband and Wife". Shortly thereafter a background paper entitled "Children's Maintenance" was released.

Research in the area of maintenance procedures was completed and a report dealing with maintenance enforcement was released in March, 1982. Research into the substantive law of maintenance was also completed some time ago and it is expected that tentative proposals will be issued in due course.

Papers on joint custody and illegitimacy were also completed some time ago. These papers have not, however, been approved by the Commission.

2. Consumer Credit

The study of consumer credit law and proposals for its reform are a part of the overall study of personal property security law in Saskatchewan. The Commission decided that proposals for the reform of basic chattel security law should be developed first, since the structure and terminology of a totally reformed personal property security law system would necessarily be part of the reform of consumer credit law.

Pursuant to this approach a final report entitled "Proposals for a Saskatchewan Personal Property Security Act" was issued in July, 1977. The Personal Property Security Act which stems from the proposals was enacted by the Legislature in 1980 and came into force on May 1, 1981.

The Commission published "A Handbook on the Saskatchewan Personal Property Security Act" in August, 1987. The Handbook includes a commentary on personal property security legislation and an up-to-date review of Saskatchewan cases interpreting and applying it.

Work on the consumer credit project continues. The following paper was released in 1980: "Tentative Proposals for a Consumer Credit Act, Part I: Background and Underlying Considerations, Part II: Statistics". A second paper entitled "Tentative Proposals for a Consumer Credit Act, Part III: Secured Consumer Credit Transactions, Summary of Recommendations" was issued in May, 1981. It is expected that Proposals for Reform of Consumer Credit Law will be issued in 1988. Reports relating to farm credit and guarantees will be released later on.

Professor Ronald C.C. Cuming, Q.C., College of Law, University of Saskatchewan, is in charge of this project. He is being assisted by the Commission staff.

3. Medical-Legal

The Commission completed its work in the area of human artificial insemination and released a report in March, 1987 entitled "Proposals for a Human Artificial Insemination Act".

"Tentative Proposals for a Lieutenant Governor's Review Board in Saskatchewan" was released early in 1984. These proposals were based on a report by Professor Peter MacKinnon, College of Law, University of Saskatchewan. A final report was to have been issued in 1986. However, changes to the Criminal Code are under consideration by the federal authorities, and should these be enacted, the basis of the Lieutenant Governor's Review Board will have changed and the report will be reconsidered.

4. Administrative Law

Preliminary research was done on this project during the summer of 1978 on (a) Statutory Powers of Decision in the Licensing/Inspection Category of the Statutes of Saskatchewan, and (b) A Review of Benefit/Compensation Statutes.

During 1980-81, a consultant worked in the areas of administrative procedures and remedies. The project was being worked on by a member of the Commission staff but is now in abeyance.

5. English Statutes

This project involves consideration of the statute laws of England which are in force in Saskatchewan. Too often lawyers are faced with the problem of determining whether or not an ancient English statute is or is not law in this province. The British have been pruning and tidying their statutes for almost a century and, in the interests of greater certainty, it is time for the common law provinces, including Saskatchewan, to put their own houses in order. Extensive work on this project was done in 1984, 1985 and 1986, and a draft paper was submitted to the Commission for its consideration in December, 1987.

6. Limitation of Actions

This project involves major policy issues including mandatory notices of claims within specific periods of time, commencing actions within specific periods of time and the categorization of various actions to determine the appropriate limitation period.

Some years ago, one of the Commission's student researchers prepared a list of limitation periods in Saskatchewan statutes for publication in the Saskatchewan Bar Review. The researcher updated the list on his own three years later. Recently, the Commission had both lists merged and brought up to date for release by the Law Society of Saskatchewan.

A short report entitled "Tentative Proposals for Changes in Limitations Legislation, Part I: The Effect of Limitations on Title to Real Property" was released in July, 1981. A second report was released in 1986. Further work on this project is being continued by the Commission staff.

7. Frustrated Contracts

Saskatchewan is one of the few provinces that does not have legislation which regulates the rights of parties in cases where a frustrating event prevents or substantially affects performance of a contract. The common law rules dealing with frustration are generally unpredictable and unfair.

The Commission decided in 1979 to undertake a study of this area of the law. A report entitled "Tentative Proposals for a Frustrated Contracts Act" was released in April, 1987.

8. Sale of Goods Act

Saskatchewan's sale of goods law, like that of all the other common law provinces in Canada, is based almost entirely on the English Sale of Goods Act of 1893. While some areas of sales law have been subject to special legislative measures, the general law of sales has never been revised in Saskatchewan. Veneration of nineteenth century English sales law by Canadians has not been shared by the English. Their statute has been amended four times. It would be inaccurate to conclude that existing sales law is totally out of touch with the realities of modern commercial activity. The basic concepts of the 1893 Act remain relevant. Judicial development of sales law has been substantial over the years and generally has taken account of fundamental changes in sales practices. However, a strong case can be made for recodification and modernization of Canadian sales law.

In 1979, the Ontario Law Reform Commission released an extensive report on sale of goods law containing recommendations for extensive revision of the Ontario Sale of Goods Act. At the August meeting of the Uniform Law Conference held at Saskatoon, Saskatchewan, a motion was passed providing for the convening of a committee to examine the Ontario report and general sales law with a view to developing a Uniform Sale of Goods Act for all provinces in Canada.

In view of the fact that work in the area was to be carried out on a national level with the opportunity for co-operation among law reform agencies, the Commission decided that it should participate in the joint project under the auspices of the Uniform Law Conference.

The Uniform Law Conference Committee met regularly throughout 1980 and 1981. Professor Cuming, then Chairman of the Commission, represented the Commission at these meetings and proposed substantial amendments to the Ontario Law Reform Commission Draft Act. The Committee reported to the Uniform Law Conference in August of 1981 and its report containing a uniform draft act was accepted.

Professor Ronald C.C. Cuming, Q.C., College of Law, University of Saskatchewan, is the consultant on this project.

9. Products Liability

The Saskatchewan Consumer Products Warranties Act provides a regime of "strict liability" for consumer products. In other words, the Act provides recovery for loss resulting from defects in consumer products even though the supplier is not negligent in placing the product on the market. However, the Act does not apply to a situation where the product which has resulted in loss or injury is not a "consumer product" within the meaning of the Act or where the consumer product has been obtained for purposes of resale or for use in a business. In an ordinary negligence action, the nature of the proceedings, the burden of proof and the extent of recovery would be different from what it would be if The Consumer Products Warranties Act applied. Generally, the injured person would be in a much less advantageous position than would be a person injured as a result of a defect in a consumer product.

The Canadian law of tort has been very slow to accept "strict liability" as a basis for liability in cases of defective products, although in some circumstances our law has moved toward "strict liability" as a basis for liability in cases of defective products, through the use of the doctrine of res ipsa loquitur. By contrast, courts in American jurisdictions have rejected negligence and have developed "strict liability" as a basis for compensation of persons injured by defective goods. There is little indication that Canadian courts are yet prepared to follow the American lead.

However, there is a very strong undercurrent of dissatisfaction with the existing Canadian law of negligence. Recently, the Ontario Law Reform Commission published a report on products liability which recommended a modified strict liability scheme to be implemented by legislation.

It is the conclusion of the Saskatchewan Commission that the law should be rationalized so as to ensure that the likelihood of recovery for loss resulting from defective products does not depend upon the almost fortuitous event

that the product causing the injury was sold under a transaction to which The Consumer Products Warranties Act applies. Professor Ronald C.C. Cuming, Q.C., College of Law, University of Saskatchewan, is the consultant on this project.

10. Real Property Law

The Commission is planning a major research project on the real property law of Saskatchewan. Its scope and format have yet to be determined. It has been decided that the best way to proceed with the project is to identify a few areas of real property which are a matter of immediate concern. Two areas so identified were:

(1) the need for a Quieting of Title Act;

(2) foreclosure of mortgages and charges against land and cancellation of agreements for sale (including The Land Contracts (Actions) Act.

Some years ago the Commission engaged the services of a consultant who prepared a paper on the need for a Quieting of Title Act. The Commission came to the conclusion that, with changes in the limitation periods governing titles, there was no need for such an Act. These changes were put forward in the Commission's report entitled, "Tentative Proposals for Changes in Limitations Legislation, Part I: The Effect of Limitations on Title to Real Property", issued as part of its Limitation of Actions Act project in July, 1981.

A paper covering security interests in land is being redrafted by the Commission staff and will be considered by the Commission in due course.

11. Land Titles Act

The Commission decided during the latter part of 1981 to undertake a fundamental review of The Land Titles Act. Particular attention will be paid to the machinery of the land titles system, the function of the registrar, the forms prescribed by the Act, the effect of registration, transfers, mortgages, leases and caveats with or without supporting documents, obsolete or what may be obsolete sections as well as the relationship of other statutes with The Land Titles Act such as The Tax Enforcement Act, The Mineral Taxation Act and The Planning and Development Act. The project is being carried on with representatives from Alberta, the Yukon, the

Northwest Territories and others. Some of the fundamental principles underlying the Torrens system were discussed at a meeting held in Edmonton in December of 1981, and it is expected that there will be further meetings in this regard. In the meantime, some background research is being done.

12. New Home Warranties

Many Saskatchewan residents buy newly constructed houses for use as family residences. However, the sale of houses by model and the growing specialization in components such as air conditioning and heating systems have made it much more difficult for consumers to ensure that they are obtaining a building which meets certain basic standards of durability and safety. Unlike the purchaser of consumer goods, the purchaser of a new home in Saskatchewan is forced to rely substantially on common law. It is somewhat anomalous that the purchaser of a small appliance such as a toaster obtains the full protection afforded by the warranty provisions of The Consumer Products Warranties Act, whereas the purchaser of a house which has a much greater value receives no similar statutory protection and very little protection under the common law. At common law, in the absence of an express statement by the builder, implied warranties as to fitness of habitation or quality of workmanship and materials only apply if the house is not yet completed. If it is completed, the doctrine of caveat emptor, long since abolished in the area of sale of goods, still applies.

The deficiencies in the common law were recognized in Ontario, and a New Home Warranties Act was passed in 1967. The Commission has been exploring the feasibility of a study which would lead to recommendations for legislation providing purchasers of new homes in Saskatchewan with an adequate measure of legal protection against construction and material deficiences and which would bring the law applicable to the sale and purchase of new homes more in line with that applicable to the sale and purchase of consumer goods. However, the project is in abeyance until the services of a consultant are obtained.

13. Enforcement of Money Judgments

The law of Saskatchewan dealing with the enforcement of money judgments is very much in need of modernization, consolidation and rationalization. Work in this area of the law which is large and complex will be undertaken if the services of a consultant can be obtained.

14. Property Guardianship

The Commission began a study of the law governing guardianship of the property of mentally incapacitated persons. Existing legislation is contained in several statutes such as The Mentally Disordered Persons Act, The Public Trustee Act, The Mental Health Services Act and The Trustee Act. The study is to include a detailed review of the provisions of The Mentally Disordered Persons Act which in some aspects are out of date. Work is proceeding in-house on this project, and a report should be available in 1988.

15. Costs of Accused on Acquittal

A draft report was prepared by Professor Peter MacKinnon, College of Law, University of Saskatchewan, for the Law Reform Commission of Canada and the Law Reform Commission of Saskatchewan. It was ultimately decided that each Commission would issue separate reports. Further work was done by Mrs. Vera-Marie Wolfe for the Saskatchewan Commission and in July, 1987 a report entitled "Tentative Proposals for Compensation of Accused on Acquittal" was issued.

16. Marriage Act

Professor Ronald Fritz, College of Law, University of Saskatchewan, has prepared a report reviewing The Marriage Act. The report will be considered by the Commission in due course.

17. Exemption Clauses

Work in this area of the law will be undertaken if the services of a consultant can be obtained.

18. Perpetuities and Accumulations Act

A report entitled "Proposals Relating to the Rules Against Perpetuities and Accumulations" was released in June, 1987.

19. Living Wills

In response to a request from a member of the general public, the Commission has decided to investigate the possibility of adoption of living wills legislation. There is a concern by many people, particularly the elderly, that when they become incapacitated by disease or illness or when death is the

inevitable outcome of an illness, they will be kept alive by life-sustaining procedures. The problem arises where the patient, by reason of a mental or physical inability brought on by the illness, is unable to consent to the procedures to be undertaken or to withhold such consent. The proposed solution is the legal recognition of wills that direct physicians to withhold or withdraw medical procedures.

20. Other Activities

On occasion, representatives of the Commission have met with or made presentations to public organizations, service groups and others, and have explained the role of law reform to students. When reports are released by way of tentative proposals, press releases are issued, press conferences held and appearances made on radio and television. While law reform often is a highly technical matter, law does not operate in a vacuum and every effort is made to keep the general public fully informed of the Commission's activities. The Commission and its staff are always receptive to comments from organizations and the public at large.

Members of the Bar have been invited to suggest areas in need of reform, and have brought to the attention of the Commission many difficulties encountered in everyday practice. The Commission is attempting to involve the practising Bar to a greater degree in law reform, and has undertaken to deal with several smaller practice-oriented problems, in some instances engaging the services of the same lawyers who brought the anomalies to its attention.

FINAL REPORTS TO THE MINISTER OF JUSTICE IN 1987*

Proposals for a Human Artificial Insemination Act

The proposed legislation focuses on heterologous artificial insemination or artificial insemination of a married woman with the semen of an anonymous donor. According to the report, heterologous artificial insemination "is becoming an increasingly common medical procedure in Saskatchewan. There is a growing acceptance of the procedure as a way of circumventing impediments which prevent conception in the conventional manner". Artificial insemination is currently used in Saskatchewan when a couple is unable to conceive because the husband is impotent, or because he may be the carrier of a genetic disorder that may be passed on to his biological children.

The report notes that important social, legal and medical issues are associated with artificial insemination. Because artificial insemination has not, until recently, attracted significant public recognition, "no common law rules have yet developed to deal with artificial insemination and no Canadian jurisdiction has adopted legislation to regulate its practice".

The most pressing legal problems created by artificial insemination result from the fact that the law does not clearly define the status of a child born as a result of artificial insemination. Under the law as it stands at present, it is not clear that a child born as a result of artificial insemination is the legitimate child of the mother's husband, with rights to inherit from him, and to be maintained by him as though he were his biological child.

The status of the donor is also uncertain. Although physicians performing artificial insemination make every effort to maintain the anonymity of the donor, under the law as it presently stands the donor may be regarded as the father of the child, and may be liable to maintain the child.

Physicians who perform artificial insemination often require their patients to obtain legal advice and complete a consent form reciting that the patient and her husband understand the legal consequences of artificial insemination. But, as the report notes, "a lawyer giving advice to a patient and her husband will not be able to ensure them the child's status

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*Copies available from the office of the Law Reform Commission

will be clear in law". The Commission concludes that "because there are children in Saskatchewan born as a result of A.I.D., legislation to regularize the status of those children is necessary".

The legislation proposed by the Commission would deem a child born as the result of artificial insemination to be the child of its mother's husband if the husband consents in writing to the artificial insemination. The donor, on the other hand, would not be regarded in law as the father of a child born as a result of artificial insemination in any case. The proposed legislation would also provide greater protection for the anonymity of donors.

In the Commission's opinion, other aspects of artificial insemination do not so urgently require legislative action. The report does note, however, that "this is not to suggest that there is no controversy surrounding other aspects of artificial insemination". Artificial insemination is a relatively new procedure, and there is not yet a consensus within the medical profession or the community about all aspects of the use of artificial insemination. In the Commission's view, it would be premature to judge these other issues and to recommend legislation that might straightjacket further discussion of artificial insemination. The proposed legislation would "involve no more intervention in the practice of artificial insemination than appears necessary at present to protect the basic rights of the persons involved".

Proposals Relating to the Rules Against Perpetuities and Accumulations

The rule against perpetuities and the related rule against accumulations constitute a complex and technical body of law designed to meet the needs of a bygone era. Today these obscure rules are often a source of "pitfalls for the unwary". On occasion, discovery of a perpetuities problem has led to protracted and expensive litigation from which no one really benefits. The Commission examined the rules as they apply in Saskatchewan and has recommended to the Minister of Justice that they should be abolished.

INFORMAL REPORTS TO THE MINISTER OF JUSTICE IN 1987*

Proposals Relating to Section 63 of The Automobile Accident Insurance Act

In an informal report to the Minister of Justice, the Law Reform Commission recommended repeal of section 63 of The Automobile Accident Insurance Act.

Section 63 provides that "no costs shall be allowed by the court in any proceeding under section 62". Section 62, in turn, provides for actions "to recover benefits or insurance money". Approximately 25 cases are litigated under section 62 each year. Litigation can arise where there is a dispute over the amount of compensation payable under the no-fault provisions (Part II) of the Act, where S.G.I. refuses to pay for repair of an insured's automobile under Part III of the Act because of an alleged breach of a statutory condition, and where public liability coverage is denied to an insured under Part IV of the Act because of breach of a statutory condition.

The Commission noted that the prohibition on costs awards has been part of The Automobile Accident Insurance Act since 1946. The Commission concludes that "under the present Automobile Accident Insurance Act, however, S.G.I. operates enough like an ordinary insurance company to be treated like one, at least in regard to costs awards".

Proposals Relating to Section 11 of The Criminal Injuries Compensation Act

Section 11 provides that

> The board, in making an order under section 10, [which provides for payment of compensation] shall consider and take into account all such circumstances as it considers relevant to the making of the order and, without limiting the generality of the foregoing, the board shall consider and take into account:
>
> (a) any behaviour that directly or indirectly contributed to

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*Copies available from the office of the Law Reform Commission

the injury or death of the victim;

(b) the financial need of the person who was injured or of the dependents of the victim.

Concern has arisen that the discretionary powers given to the Criminal Injuries Compensation Board under section 11 are too wide. In particular, there is some evidence that the Board has denied applications or reduced the amount of compensation awarded because it did not consider the victim to be "innocent". It was questioned whether the conduct of the victim should be considered at all where there was little or no causal connection between that conduct and the criminal injuries. The Commission concluded that too much emphasis was being placed on the statutory requirement that the Board consider "any behaviour that directly or indirectly contributed to the injury or death of the victim", found in section 11. Consequently, the Commission has recommended that the section be amended to provide that the Board shall have regard to all relevant circumstances, but shall not have regard to the behaviour of the victim unless it directly contributed to the injury or death of the victim.

A HANDBOOK ON THE SASKATCHEWAN PERSONAL PROPERTY SECURITY ACT*

The Commission issued "A Handbook on the Saskatchewan Personal Property Security Act" in August. The Handbook includes a commentary on personal property security legislation, and an up-to-date review of Saskatchewan cases interpreting and applying it.

The Saskatchewan Personal Property Security Act was adopted in 1981, following recommendations from the Law Reform Commission. It represents a major reform of the law relating to security interests in personal property. The Act sets out the remedies available to a seller or lender if the terms of a financing arrangement are breached and establishes a registry system that will determine which of two or more security interests attaching to the same property will take precedence. The legislation replaced much of the older law relating to conditional sales agreements and chattel mortgages.

Although the Saskatchewan Act has been widely received as a significant improvement in the law, and has been a model for similar legislation in other provinces, it is necessarily complex. It embodies new concepts that are only now being considered by the courts. It is expected that the Handbook will become a standard reference on The Personal Property Security Act.

The Handbook was written by Professor Ronald C.C. Cuming, who was the consultant on the Commission's original Personal Property Security Act project, and Professor Roderick J. Wood, who, along with Professor Cuming, was a consultant on the Commission's Consumer Credit law project.

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*Copies available from the office of the Law Reform Commission at a cost of $15.00 per copy

PLANS FOR THE YEAR 1988

1. Family Law

It is expected that work will continue during 1988 on the substantive law of maintenance and on the matter of joint custody.

2. Consumer Credit

Work will continue on this project particularly in the areas of farm credit and guarantees.

3. Medical-Legal

This project continues to be monitored.

4. Administrative Law

The Commission staff may be working on this project during 1988.

5. English Statutes

A draft report has been prepared and is being considered by a number of members of the legal profession who are particularly interested in the subject matter. The report itself will be revised and it is expected will be released in 1988.

6. Limitation of Actions

Responses to the Commission's Tentative Proposals are being compiled and will be assessed before work is commenced on a final report.

7. Frustrated Contracts

Responses to the Commission's Tentative Proposals will be assessed before work is commenced on a final report.

8. Sale of Goods

This project continues to be monitored by the consultant.

9. Products Liability

This project continues to be monitored by the consultant.

10. Real Property Law

A paper on security interests in land may be available in 1988.

11. Land Titles Act

Some further background work may be undertaken in 1988.

12. New Home Warranties

This project is in abeyance at the present time.

13. Enforcement of Money Judgments

This project is in abeyance at the present time.

14. Property Guardianship

It is expected that a report will be available in the area of property guardianship in 1988.

15. Costs of Accused on Acquittal

Responses to the Commission's paper entitled "Tentative Proposals for Compensation of Accused on Acquittal" will be assessed during the year.

16. Marriage Act

This project is in abeyance at the present time.

17. Exemption Clauses

This project is in abeyance at the present time.

18. Living Wills

A report on the law governing living wills may be prepared and released in 1988.

19. Other Activities

The Commission undertakes a number of smaller practice-oriented projects from time to time and recommendations are made to the Minister of Justice concerning these.

FINANCIAL INFORMATION

Budget for the fiscal year April 1, 1987 to March 31, 1988.

Appropriation:

Personal Services	$104,600.00
Other Expenses	$ 19,400.00
	$124,000.00

The Law Reform Commission has been financed by the Province of Saskatchewan through the Department of Justice and also by the Law Foundation of Saskatchewan which provides "block funding". Provincial funding was reduced considerably for the fiscal year April 1, 1987 to March 31, 1988, the Commission staff has been cut back, and some of its programs have had to be put in abeyance. Largely because of Law Foundation support, the Commission expects to be able to continue to carry out its mandate. The Commission is most grateful to the Foundation. Some of the projects which would not have been possible without the support of the Foundation are: Review of The Matrimonial Property Act, Consumer Credit, Frustrated Contracts, Limitation of Actions and "A Handbook on the Saskatchewan Personal Property Security Act".

PERSONNEL

The Commission

The Law Reform Commission Act provides that the Commission shall be composed of not less than three members appointed by the Lieutenant Governor in Council and that one of the members shall be designated as Chairman. Mr. Dale G. Linn, of the firm of MacDermid Lamarsh in Saskatoon, is the Chairman and Madam Justice Marjorie A. Gerwing and Mr. Gordon J. Kuski, Q.C., both of Regina, are the other Commissioners.

Mr. Linn was appointed to the Commission as Chairman in October, 1987. Madam Justice Gerwing was appointed to the Commission in 1976 and Mr. Kuski in 1982.

Previous members of the Law Reform Commission were Professor Brian A. Grosman (Chairman, 1974-78), Professor Ronald C.C. Cuming, Q.C. (Chairman, 1978-82), Dr. D.A. Schmeiser, Q.C. (Chairman, 1982-87), Mr. Justice E.D. Bayda (Commissioner, 1974-76) (now Chief Justice for the Province of Saskatchewan) and Mr. George J.D. Taylor, Q.C. (Commissioner, 1974-82).

The Staff

Kenneth P.R. Hodges is the Director of Research having joined the Commission in October of 1976. The Legal Research Officer is Michael J. Finley. He joined the Commission in March of 1977. The Commission employed two Legal Research Officers under Contract who were funded by the Law Foundation of Saskatchewan. These Legal Research Officers were Roderick J. Wood who joined the Commission in June of 1983 and left in June of 1987 and Myra J. Bucsis, who joined the Commission in November of 1986 and left in October of 1987.

The Commission also retains the services of a number of people as part-time consultants. The Commission is pleased to be able to rely on these outside consultants and is obliged to them for their ongoing efforts which have helped to maintain a healthy level of law reform activity within the province.

OTHER LAW REFORM ORGANIZATIONS

The Commission has, during the course of the year, continued to develop good liaison with other law reform agencies both in and outside Canada. This exchange of information is essential to the functioning of the Law Reform Commission of Saskatchewan. Such close liaison minimizes the replication of research and makes available to this Commission research papers, reports and proposals which can be adapted to the Saskatchewan legal environment without incurring the financial burden necessitated by initiating original legal research in each area undertaken. The Saskatchewan Commission has gained substantially from the research completed by other commissions in areas of mutual interest.

In order to maintain important contacts in areas of interest to the Commission and its research commitments, the Chairman, the Director of Research and other members of the staff attended various meetings and conferences during the year. The Director of Research is a delegate to the Uniform Law Conference of Canada and attended the annual conference in Victoria, British Columbia in August of 1987. The Chairman attended the mid-winter meeting of the Canadian Bar Association, the annual meeting of the Law Society of Saskatchewan and with the Director of Research, attended the annual meeting of the Law Reform Conference of Canada.

PUBLICATIONS

1. First Mini-Working Paper, Division of Matrimonial Property, Problems Within the Present Law, June 1974.
2. Second Mini-Working Paper, Division of Matrimonial Property, Possible Solutions to Problems Within the Present Law, September 1974.
3. Third Working Paper, Division of Matrimonial Property, Tentative Proposals for Reform of Matrimonial Property Law, October 1974.
* 4. First Annual Report 1974.
5. Background Paper, Reform of Personal Property Security Law in Saskatchewan, May 1975.
6. Background Paper, Family Maintenance Between Husband and Wife, November 1975.
7. Background Paper, Children's Maintenance, January 1976.
8. Second Annual Report 1975.
* 9. Tentative Proposals for a Saskatchewan Personal Property Security Act, February 1976.
10. Report to the Attorney General, Proposals for a Saskatchewan Matrimonial Homes Act, May 1976.
11. Report to the Attorney General, Conflict of Interest, March 1977.
*12. Third Annual Report 1976.
13. Working Paper, Provincial Offences: Tentative Recommendations for Reform, April 1977.
14. Report to the Attorney General, Proposals for a Saskatchewan Personal Property Security Act, July 1977.
15. Fourth Annual Report 1977.
16. Tentative Proposals for a Consent of Minors to Health Care Act, November 1978.
17. Fifth Annual Report 1978.
18. Tentative Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts, March 1979.
19. Tentative Proposals for Reform of The Jury Act, May 1979.
20. Tentative Proposals for Custody Law Reform, Part I: Substantive Law, August 1979.
21. Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts, November 1979.
22. Proposals for Reform of The Jury Act, December 1979.
23. Tentative Proposals Relating to the Civil Rights of Children, December 1979.
24. Proposals for a Consent of Minors to Health Care Act, February 1980.

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*Out of Print

25. Sixth Annual Report 1979.
26. Tentative Proposals for Custody Law Reform, Part II: Procedures and Support Services, May 1980.
27. Tentative Proposals for a Definition of Death Act, June 1980.
28. Tentative Proposals for an Occupiers' Liability Act, June 1980.
29. Tentative Proposals for a Consumer Credit Act, Part I: Background and Underlying Considerations, Part II: Statistics, August 1980.
30. Proposals for an Occupiers' Liability Act, October 1980.
31. Proposals for a Definition of Death Act, December 1980.
32. Tentative Proposals for a Guardianship Act, Part I: Personal Guardianship, January 1981.
33. Tentative Proposals for Defences to Provincial Offences, February 1981.
34. Yearly Review 1980.
35. Tentative Proposals for a Consumer Credit Act, Part III: Secured Consumer Credit Transactions, Summary of Recommendations, May 1981.
36. Tentative Proposals for an Equality of Status of Married Persons Act, May 1981.
37. Tentative Proposals for Changes in Limitations Legislation, Part I: The Effect of Limitations on Title to Real Property, July 1981.
38. Tentative Proposals for a Human Artificial Insemination Act, November 1981.
39. Proposals on Custody, Parental Guardianship and the Civil Rights of Minors, December 1981.
40. Tentative Proposals for a Compulsory Mental Health Care Act, November 1981.
41. Tentative Proposals for an Enforcement of Maintenance Orders Act, March 1982.
42. Yearly Review 1981.
43. Proposals for an Equality of Status of Married Persons Act, May 1982.
44. Proposals for a Guardianship Act, Part I: Personal Guardianship, January 1983.
45. Yearly Review 1982.
46. Proposals Relating to Guest Passenger Legislation, August 1983.
47. Tentative Proposals for a Lieutenant Governor's Review Board in Saskatchewan, January 1984.
48. Yearly Review 1983.
49. Tentative Proposals for Reform of The Matrimonial Property Act, September 1984.

50. Proposals for a New Coroners Act, September, 1984.
51. Proposals for Restoring Civil Remedies Lost Upon Forfeiture Under The Automobile Accident Insurance Act, October 1984.
52. Proposals Relating to Ademption by Equitable Conversion, October 1984.
53. Tentative Proposals Relating to Testamentary Custody and Guardianship of Children, October 1984.
54. Proposals Relating to the Change of Name of Children of Divorced Parents, March 1985.
55. Proposals Relating to Joint Obligations, June 1985.
56. Yearly Review 1984.
57. Proposals for a Compulsory Mental Health Care Act, March 1985.
58. Proposals for a Survival of Actions Act, May 1985.
59. Proposals Relating to Matrimonial Property Legislation, December 1985.
60. Yearly Review 1985.
61. Tentative Proposals for Changes in Limitations Legislation, Part II: The Limitation of Actions Act, May 1986.
62. Proposals for Defences to Provincial Offences, December 1986.
63. Yearly Review 1986.
64. Proposals for a Human Artificial Insemination Act, March 1987.
65. Tentative Proposals for a Frustrated Contracts Act, April, 1987.
66. Proposals Relating to the Rules Against Perpetuities and Accumulations, June 1987.
67. Tentative Proposals for Compensation of Accused on Acquittal, July, 1987.
68. A Handbook on the Saskatchewan Personal Property Security Act, August 1987.

INFORMAL REPORTS*

- The Tax Enforcement Act - Section 33, July 1984
- The Change of Name Act: Publication of Notice of Change of Name, July 1984
- The Rights of Parents Under The Family Services Act, February 1985
- Proposals Relating to The Labour Standards Act: Employers' Deductions from Wages, September 1985
- Proposals Relating to Lis Pendens, November 1985
- Proposals Relating to Removal of a Certificate of Action under The Builders' Lien Act, February 1986
- The Queen's Bench Act - Section 20, August 1986
- Proposals Relating to Section 63 of The Automobile Accident Insurance Act, January 1987
- Proposals Relating to Section 11 of The Criminal Injuries Compensation Act, June 1987

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*These reports are not published but typewritten copies are available upon request.